REMARKS

This response is filed in response to an Office Action dated November 21, 2006, issued by the United States Patent and Trademark Office in connection with the above identified application.

Applicant has carefully studied the outstanding Office Action. The present response is intended to be fully responsive to all points of rejection raised by the Examiner.

Claims 1-9, 12 and 13 are pending in the application. Claims 1, 5-9 and 12-13 have been amended. Reconsideration of the application is respectfully requested.

Claim Rejections – 35 USC § 112

Claims 1-9 and 12-13 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 5-9 and 12-13 have been amended to better clarify and distinctly claim the subject matter. Applicant respectfully submits that the objections are now moot.

Claim Rejections – 35 USC § 102

Claims 1-9 and 12-13 are rejected under 35 USC 102(e) as being anticipated by Sinquin et al. (US Patent 6425098).

Applicants respectfully traverse this rejection in view of the amendments to claims 1, 5-9 and 12-13, and the remarks that follow.

As is well-established, in order to successfully assert a *prima facie* case of anticipation, the Examiner must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. Therefore, if even one element or limitation is missing from the cited document, the Examiner has not succeeded in making a *prima facie* case.

Claim 1 discloses a method for producing a copy-protected audio compact disc, containing audio data samples of an audio signal which, *inter alia*, includes the step of "disabling the error-correction of the error-correction codewords associated with the data symbols by altering at least one of a plurality of parity symbols in the codewords associated with the data symbols". The disc is thus rendered uncorrectable.

Claim 7 discloses a copy-protected audio compact disc, produced by the method of claim 1, which, *inter alia*, includes at least one erroneous symbol, which replaces one of the data symbols (representing a data sample of the audio signal) and wherein the error-correction codewords, associated with the overwritten data symbol, comprise at least one altered parity symbol contained within the error-correction codewords associated with the overwritten data symbol.

Sinquin describes a method for protecting data which introduces intentionally erroneous data values. Sinquin's method for protecting an audio compact disc relies on introducing an error into a selected frame, for example (column 4, line 23) without correcting the error correction code to match the erroneous signal. The playback device is able to skip over and ignore the erroneous frame. However, in an unauthorized copy of the CD, new error correcting codes are generated as though all values (including the erroneous data values) are correct. Thus, the erroneous value will not be flagged and on playback, the copy will contain audio distortions (Sinquin Col. 11, lines 17-33). The modification of the error correction codes mentioned by Sinquin applies to the data stored on the recorded CD. (emphasis added).

In contrast, the present application modifies the audio data in the original disc by replacing it with erroneous data and also altering the respective error correction codes for that symbol on the original disc. The sector containing the erroneous data is this uncorrectable. A playing device does not try to correct these sectors on the original disc and to render them it simply interpolates them (see line 19 on page 16 of the Application). This interpolation gives a good rendition of the music.

The copying device, however, has no concept of interpolation and accurately tries to read every single sector and will hesitate and re-read the uncorrectable sector in the hope of being able to read it better on successive occasions. This hesitation and re-read produces unpleasant "clicks" when trying to play the copied audio track. When copied, the error correcting codes for the altered data are not recalculated and they remain the same as in the original disc. Thus these uncorrectable sectors are used to ensure that a copied disc will output noise and not play well.

It is respectfully asserted that Sinquin does not teach or suggest producing a copy-protected audio compact disc by disabling the error-correction of the error-correction codewords

by *altering the parity symbols in the codewords associated with the data symbols*. (emphasis added).

Thus, Applicants respectfully submit that the rejection of independent claims 1 and 7 has been overcome.

Since claims 2-6 and 12 depend from claim 1 and claims 8-9 and 13 depend from claim 7, Applicants believe the rejection of these claims has been overcome for at least the same reason.

The prior art made of record is noted.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below.

In view of the above amendments and remarks, it is respectfully submitted that the claims are patentable over the art of record and are now in condition for allowance. Prompt notice of allowance is respectfully solicited.

Respectfully submitted,

MACROVISION CORPORATION

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George B Almeida
George B. Almeida (Reg. No. 20,696)

Customer No. 031665
Macrovision Corporation
2830 De La Cruz Blvd.
Santa Clara, CA 95050
Tel: (408) 562-8400
Fax: (408) 567-1807